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MAY 0 3 1991

Honorable Catherine Nolan
Member, State Assembly of New York
Legislative Office Building
Room 704
Albany, New York 12248

Dear Ms. Nolan:

This is in response to your letter of February 14, 1991 to me. In your letter you expressed concern about the operations taking place at Roehr Chemicals, Inc., 32-20 37th Street in Long Island City, New York and their potential threat to the public health.

Roehr Chemicals, Inc. is a subsidiary of the ACETO Corporation, One Hollow Lane, Lake Success, New York. The surrounding area is an old commercial/industrial/residential section near Newton Creek, which separates Brooklyn and Queens. Roehr Chemicals produces bulk pharmaceutical chemicals which are used in the preparation of prescription drugs. The two major chemicals produced at the facility are Phenylpropanolamine Hydrochloride USP and Propiophenone. The facility has twenty-one (21) employees and conducts a twenty-four hour operation, Monday through Friday. Production methods utilize both batch and continuous processes in their operations.

Roehr Chemicals is currently phasing out operations as a result of a projected business merger. They are currently expected to be closed by June 1, 1991. According to the vice-president of the company, Mr. Olenburg, the company is merging operations with Arsynco in Carlstadt, New Jersey. Operations have been reduced 40% since October 1, 1990 in anticipation of the closure. Another 20% reduction is projected by April 1st. After June 1st, the plant will be decommissioned, cleaned out and a Phase 1 environmental study conducted. According to Mr. Olenburg, the purpose of the study will be to ensure that no problems exist prior to the sale of the property.

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The following is a discussion of the various inspections conducted by EPA during the week of March 4, 1991, at Roehr Chemical.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

On March 6, 1991, the On-Scene Coordinator (OSC) for EPA's Removal Action Branch contacted various Divisions within EPA, the New York State Department of Environmental Conservation (NYSDEC), the New York City Department of Environmental Protection (NYCDEP) and the New York City Fire Department and Hazardous Materials Unit. The OSC coordinated his visit to the site on March 7th with the NYSDEC Hazardous Waste Division's personnel. The Occupational Safety and Health Administration (OSHA) and the NYCDEP's Community Right-to-Know personnel have been to the facility within the past several months, and the Fire Department is planning to conduct an inspection next week.

The facility is relatively small and operations are conducted near the street. Within the buildings, operations are haphazard and there are indications of past spills. According to Mr. Olenburg, there have been minor spills within the buildings in the past, however they have all been below the reportable quantity (the quantity for a CERCLA designated hazardous substance which is required to be reported to EPA).

Although their operations span most of 37th Street, the slope of the street would take a spill around the corner past other businesses and several homes. A spill that occurred on August 11, 1990 actually resulted in this. Under the supervision of the NYCDEP, NYSDEC and the NYC Fire Department, facility personnel recovered spilled material from all concrete surfaces and pavement, excavated soil on the unpaved portion of the 37th Street sidewalk and pumped out the catch basin on Greenpoint Avenue. All solids were disposed of as hazardous waste, and the recovered liquids were returned to the plant and treated prior to discharge into the sewer. Subsequently, dikes and berms were placed around the process and storage areas in order to prevent future migration of spills.

Based on findings from investigations conducted by the NYCDEP and NYSDEC in 1989 which indicated minor leakage from three of the facility's underground storage tanks, Roehr Chemical instituted repairs to stop the leaks and initiated a study to determine site soil and ground water quality. A consulting firm hired by the company installed four ground water monitoring wells and also collected soil samples around the facility, under the approval of the NYSDEC.

In general, ground water flow in the immediate area appears to be from Greenpoint and Bradley Avenues (upgradient) to 37th Street. The report concluded that parameters associated with

Roehr Chemicals, specifically toluene, xylene and methanol, were not detected in any of the four monitoring wells. Low levels of trichloroethylene, 1,1,1 trichloroethane and tetrachloroethylene appear to be entering the site from an unidentified upgradient source. Soil samples collected from 0-2 feet in depth at the location of the wells did not detect any volatile organic contamination, except for the sample collected on Greenpoint Avenue. Chlorinated hydrocarbons, such as the ones detected upgradient of the site, are reportedly not used by Roehr Chemicals.

There are strong organic solvent odors within the plant and at the time of the site visit, a similar organic odor was evident outside of the facility. According to past inspections by OSHA during the period April 5, 1990 through September 14, 1990 the facility had several violations, including excessive airborne levels of isopropyl alcohol in the workplace. Roehr Chemicals has responded to these citations and implemented engineering controls to reduce hazardous emissions. Abatement of the indoor air violations was verified through a study conducted by a certified industrial hygienist. Additionally, the facility maintains up to date registration certificates from the NYCDEP for emissions points from their operations.

There have been three fires at the facility since 1987. The local fire department responded, and reportedly, none of the fires resulted in a discharge or release of hazardous materials.

The old building on 37th Street that appears to be abandoned and whose doors are in poor condition contains approximately 50 empty drums, three drums of caustic pellets used by the facility for neutralization of their wastewaters and numerous remnants of a former blacksmith operation. The building is scheduled to be emptied and demolished later this year as part of the facility shutdown. Its contents do not pose a threat to the public health.

Resource Conservation and Recovery Act (RCRA)

EPA's Hazardous Waste Compliance Section conducted an inspection of the facility on March 4, 1991. Roehr Chemical, Inc. is a hazardous waste generator, as per 40 Code of Federal Regulations (CFR) Part 262. In their case, this signifies that they generate a solid waste, as defined in 40 CFR 261.2, which is listed under 40 CFR Part 261 as a hazardous waste, and they accumulate it on-site, prior to proper disposal, for less than 90 days.

The inspectors toured the facility with Mr. Olenburg and viewed the hazardous waste accumulation and storage areas. The types of hazardous wastes generated at their Long Island City facility include dimethyl ketone, isopropanol, parazine, xylene, and traces of propiophenone and benzene. The waste materials are

stored in 55-gallon drums in a designated area within one of the yards. The yard is surrounded by a berm to contain spills. There are emergency procedures and alarms in place to monitor the production process in case of malfunctions.

At the time of the inspection all the drums in the storage area, approximately 50, were empty. There were two partially filled 55-gallon drums, approximately 20 - 30 gallons, of hazardous waste in the waste accumulation area inside the building. The inspectors observed the drums were not labeled, there were no accumulation dates, and the bungs were open. The inspectors informed Mr. Olenburg that the drums were in violation of RCRA regulations and he had an employee close and mark the drums in the presence of the inspectors. Additionally, the hazardous waste storage area was not properly secured; the gate was left open and access to the area was not properly controlled.

Clean Water Act

EPA's Water Permits and Compliance Section conducted an inspection of the facility on March 6, 1991. The facility discharges industrial wastewaters into the New York City sewer system and is being monitored by the New York City Bureau of Wastewater Treatment. The facility is required by Federal regulations to periodically monitor its discharges to determine whether or not applicable standards are being exceeded. The facility is therefore required to test its discharge semi-annually and report the results to the NYCDEP. At present the facility wastewater is being pH neutralized prior to discharge into the sewer. The organic loading of the facility's wastewater is periodically monitored by the NYCDEP for purposes of a surcharge.

The NYCDEP has ordered the facility to install an oil-water separator on the wastewater line just before the neutralization tank. The facility has been unable to get a permit from the city for this installation because city code requires an oil-water separator to be installed between the neutralizer and the discharge point. The facility is at present attempting to obtain a variance from the city for the installation of the separator according to the NYCDEP's design requirements.

At the time of the inspection there was no evidence of material being poured into the sewer or otherwise being disposed of illegally. A manhole cover near the catch basin on the corner of Greenpoint and Starr Avenues was lifted and it was readily determined that the reason that the basin is clogged is due to debris that have accumulated at its base. Mr. Olenburg has stated that the city has been repeatedly contacted to clean out the catch basin. The standing water, which did not emit any odors, appeared to be dirty rainwater. Its pH, when tested by the OSC on March 7th was slightly acidic (pH = 6). Normal rainwater in this area has a pH of 5 to 6.

In response to the specific questions in your letter:

Until the week of March 4th, to the best of my knowledge, EPA had never investigated or fined Roehr Chemical at their Long Island City facility. Any previous investigations would have been conducted by the NYSDEC, the NYCDEP, OSHA or the New York City Fire Department.

A company does not need to have a "license" nor are they required to register with EPA if they handle chemicals such as xylene, methanol and isopropanol. This is controlled by the Local Emergency Planning Committee (LEPC). The Emergency Planning and Community Right-to-Know Act grants specific state and local authority to request information from facilities and to take enforcement actions as needed to ensure compliance.

Commercial xylene is a mixture of three isomers (ortho-, meta-, and para-xylene) and may also contain ethylbenzene, as well as small amounts of toluene, trimethyl benzene, phenol, thiophene, pyridine, and other non-aromatic hydrocarbons. It is a colorless, flammable liquid that is used as a solvent; as a constituent of paint, lacquers, varnishes, inks, dyes, and adhesives; and as a feedstock for the production of many other chemical compounds, including pharmaceuticals. In humans, acute exposure to these substances depresses the central nervous system and causes narcosis.

Methanol, also known as methyl alcohol and wood alcohol, is a colorless, flammable liquid. It is used industrially as a solvent for shellac, gums, inks, resins, adhesives and dyes; as an ingredient in paint removers, spirit duplicating fluids, embalming fluids and antifreeze mixtures; and as a feedstock for the production of other chemical compounds. When ingested, as little as one-half ounce can cause death, and lesser amounts have been known to cause irreversible blindness. Methyl alcohol is virtually non-irritating to the eyes or upper respiratory tract below 2,000 parts per million (ppm), and it is difficult to detect by odor at less than this level.

Isopropanol, also known as isopropyl alcohol, is a colorless, flammable liquid. It is used in skin lotions, cosmetics pharmaceuticals, hair tonics, antifreezes, soaps and window cleaners; and as a feedstock for the production of other chemical compounds. At low airborne concentrations, the only effect observed is mild irritation of the eyes and skin. At much higher concentrations it is believed that narcosis can occur.

The Federal Standard and the American Conference of Governmental Industrial Hygienists (ACGIH) time-weighted average (TWA) value represents the concentration that a worker can be exposed to over a full work-shift. The short-term exposure limit (STEL) value is the maximal concentration to which workers can be exposed for a period up to 15 minutes continuously without

suffering from: irritation, chronic or irreversible tissue change, or narcosis, provided that no more than four excursions per day are permitted, with at least 60 minutes between exposure periods, and provided that the TWA is not exceeded. The "Immediately Dangerous to Life or Health" (IDLH) concentration represents a maximum level from which one could escape within 30 minutes without any escape-impairing symptoms or any irreversible health effects. The table below lists the values for each of the chemical compounds discussed above.

Compound	TWA (ppm)	STEL (ppm)	IDLH (ppm)
xylene	**100**	**150**	**10,000**
methanol	**200**	**250**	**25,000**
isopropanol	**400**	**500**	**20,000**

EPA does not regulate these materials during their handling or storage as raw materials. Local ordinances or fire codes would be in effect at that point. When generated as hazardous waste, after being used in a process, these materials are regulated under RCRA. As discussed previously, the materials Roehr Chemical generates as hazardous waste are dimethyl ketone, propiophenone, benzene, isopropanol, parazine and xylene. Inspection of past manifests revealed that they properly dispose of their hazardous waste within 90 days of generation.

In conclusion, currently all information and data obtained at and from this facility is being reviewed for possible enforcement actions. All areas of concern related to Roehr Chemical's compliance with environmental statutes are being monitored by various sections within either EPA, NYSDEC, and NYCDEP. These other agencies are currently investigating operations at the facility. EPA's Removal Action Branch will continue to monitor the status of operations at the Roehr Chemical facility, subsequent to the shutdown, in order to ensure that all bulk hazardous materials have been removed and that the Phase 1 Study has been completed.

If you have any further questions or need additional information, please let me know or have your staff contact Jeane Rosianski of the Office of External Programs at (212) 264-7834.

Sincerely,

/s/

Constantine Sidamon-Eristoff
Regional Administrator

cc: Commissioner Thomas C. Jorling,
New York State Department of Environmental Conservation

bcc: J. Marshall, OEP
A. Greene, A-101

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February 14, 1991

Mr. Constantine Sidamon-Eristoff
Regional Administrator
U.S. Dept. of Environmental Protection
26 Federal Plaza
New York, N.Y. 10278

Dear Mr. Sidamon-Eristoff,

I am writing to you regarding a chemical company in my district named Roehr Chemicals of 32-20 37 Street in Long Island City. After receiving numerous complaints from area residents regarding the conditions at this site, I visited the plant myself recently. What I saw was very disturbing.

As soon as I got near the site, I could smell a very strong odor. From what I saw on the outside, the company seems to deal with chemicals such as xylene, methanol, and isopropanol. These chemicals are stored in drums in what looks like an abandoned building. The doors of this building are clearly falling off. Anyone can just walk into the storage area without being stopped. This is clearly a public hazard.

In addition, I noticed that the sewers near this plant are all clogged, resulting in an accumulation of large puddles of water in the street. When I looked at these puddles, I saw the water form bubbles and make a "fizzing" sound. Some area residents have said that Roehr Chemicals dumps chemicals in the sewer. It seems that the Fire Department has, on occasion, forced Roehr Chemicals to pump out the sewer.

After my visit, several questions came to mind with regard to this site and its implications to the health and safety of my community.

I had been told from area residents that this site has been investigated by your department. Is this true? If so, how many times and when were the inspections made? Were any violations found at this site? Were any fines levied against Roehr Chemicals? If so, how much and were they collected?

violations have to be levied before a chemical plant can be closed?

• Does a company need a license or are they required to register with EPA if they handle chemicals such as xylene, methanol and isopropanol? If so, has Roehr Chemicals done this?

• What exactly are xylene, methanol and isopropanol? What specifically are they used for? How dangerous are they to individuals who come in contact with them? What dangers do they pose to the air?

• Does EPA have any regulations with regard to the proper handling, storage and disposal of these chemicals? If so, does Roehr Chemicals follow these procedures?

I would greatly appreciate answers to these questions as quickly as possible due to the importance of this issue to our community. In addition, I urge you to commence an inspection of this site without delay, and keep me informed as to the results. Thank you for your prompt attention to this matter and I look forward to your response.

Sincerely,

Catherine Nolan